

# **EXHIBIT 69**

## **REDACTED**

HIGHLY CONFIDENTIAL

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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

THE STATE OF TEXAS, ET AL,

Plaintiffs,

vs.

CIVIL NO. 4:20-CV-957-SDJ

GOOGLE LLC,

Defendants.

\_\_\_\_\_/

HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION of [REDACTED]

Redwood City, California

April 26, 2024

9:24 a.m.

Job No. MDLG6661144

Stenographically reported by:

JENNY L. GRIFFIN, RMR, CSR, CRR, CCRR, CRC

CSR No. 3969

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Videotaped deposition of [REDACTED]  
taken on behalf of the Plaintiffs, at Freshfields  
Bruckhaus Deringer, 855 Main Street, Redwood City,  
California, on Friday, April 26, 2024, beginning at  
9:24 a.m. and ending at 7:01 p.m., before  
Jenny L. Griffin, a Certified Shorthand Reporter,  
Registered Merit Reporter, Certified Realtime  
Reporter, California Certified Realtime Reporter,  
Certified Realtime Captioner.

A P P E A R A N C E S:

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A P P E A R A N C E S: (Continued)

Present on Zoom:

Zeke DeRose III: Lanier Law Firm

Melonie DeRose: Lanier Law Firm

Bao Cuong Pham: Assistant Attorney General, Office  
of the Texas Attorney General

Jonathan Jaffe: Retained Plaintiff Consultant

VIDEOGRAPHER: Miguel Concepcion, Golkow Litigation

TRIAL TECH: Jim Lopez, Golkow Litigation

## P R O C E E D I N G S

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THE VIDEOGRAPHER: Good morning. We are now on the record.

My name is Miguel Concepcion. I'm a videographer for Golkow Litigation Services.

Today's date is April 26, 2024, and the time is 9:24 a.m. Pacific Time.

This video deposition is being held in Redwood City, California, in the matter of the State of Texas, et al., versus Google LLC.

The deponent is [REDACTED]

All appearances will be noted on the stenographic record.

The court reporter is Jenny Griffin and will now swear in the witness.

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[REDACTED]  
having been first duly sworn and/or affirmed by the Certified Shorthand Reporter to tell the truth, the whole truth, and nothing but the truth, testified as follows:

THE VIDEOGRAPHER: Counsel, you may proceed.

///

EXAMINATION

BY MR. HILLEGAS:

Q. Good morning, Mr. [REDACTED]

Will you please state your full name for the record.

A. [REDACTED]

Q. Where do you live?

A. I live in Sunnyvale, California.

Q. Do you work for Google?

A. Yes, I do.

Q. What is the address of the location where you work for Google?

A. I work in the Bay View Building, Number 200.

Q. What city is that in?

A. Mountain View.

Q. Mr. [REDACTED] I understand you were deposed yesterday; is that correct?

A. That is correct.

Q. Was that your first time being deposed?

A. No, it was not.

Q. How many times have you been deposed before?

A. Prior to yesterday, I have been deposed two times.

1 calculate prices based on the  
2 second-highest bid. Buyers are 'best  
3 served' if they bid below their true  
4 value because the difference in value  
5 between winning first place and second  
6 place is very small."

7 Do you see that, sir?

8 A. I see it.

9 Q. So do you agree that Google is famous for  
10 implementing generalized second-price auctions?

11 MR. BITTON: Objection to scope.

12 THE WITNESS: I don't know if -- Google is  
13 famous for lots of things. And I don't know if I  
14 would say it's famous for implementation of Google's  
15 second-price auctions.

16 BY MR. HILLEGAS:

17 Q. In the second-price auction, the winner  
18 pays the bid of the second-highest bidder; right?

19 MR. BITTON: Objection to scope and form.

20 THE WITNESS: Again, like I said, I'm not  
21 an expert in VCG and GSP auction mechanics. That  
22 goes to how the price or the cost allocation is done  
23 to usually groups of ads. It's sort of a separate  
24 module from what I work on.

25 ///



1 BY MR. HILLEGAS:

2 Q. But you're familiar with what a generalized  
3 second-price auction is; right?

4 MR. BITTON: Objection to scope.

5 THE WITNESS: Not very well.

6 BY MR. HILLEGAS:

7 Q. So you don't know why bidders would be best  
8 served by bidding below the true value, do you, sir?

9 MR. BITTON: Objection to scope and form.

10 THE WITNESS: The differences between GSP  
11 and VCG is not my area of expertise. Like I said,  
12 that comes down to price allocation to block groups  
13 of ads, and that's a different module from what I  
14 worked on.

15 BY MR. HILLEGAS:

16 Q. In 2013 what were you working on?

17 MR. BITTON: Objection to scope.

18 THE WITNESS: In 2013 I had started to work  
19 on exchange bidding as part of this team called  
20 gTrade.

21 BY MR. HILLEGAS:

22 Q. What is gTrade?

23 MR. BITTON: Objection to scope.

24 THE WITNESS: GTrade was the name assigned  
25 to some of the engineers working on projects, trying

1 to figure out the best way to bid on exchanges on  
2 behalf of AdWords advertisers.

3 BY MR. HILLEGAS:

4 Q. What is exchange bidding?

5 MR. BITTON: Objection to scope.

6 THE WITNESS: What I'm referring to as  
7 exchange bidding is how in this case AdWords should  
8 generate a bid to be submitted to the exchange in  
9 order to -- in order to win the ad impression to  
10 generate the best advertiser value subject to other  
11 constraints.

12 BY MR. HILLEGAS:

13 Q. At the time many auctions were using  
14 second-price bidding; right?

15 MR. BITTON: Objection to scope.

16 THE WITNESS: When you say "many auctions,"  
17 are you referring to -- what are you referring to?

18 BY MR. HILLEGAS:

19 Q. For example, AdX ran a second-price  
20 exchange in 2013; correct?

21 MR. BITTON: Objection to scope.

22 THE WITNESS: Again, I'm not a sell-side  
23 expert. And someone on sell-side should talk about  
24 the AdX options. But it is my understanding that  
25 AdX was running a second-price auction at that time.

1 BY MR. HILLEGAS:

2 Q. And you were trying to figure out the best  
3 way to bid on exchanges like AdX on behalf of  
4 AdWords advertisers; right?

5 MR. BITTON: Objection to scope.

6 THE WITNESS: Yes. I was trying to figure  
7 out the best way to bid on behalf of advertisers  
8 maximizing value and bidding through Ad Exchange.

9 BY MR. HILLEGAS:

10 Q. And you were doing this without knowledge  
11 of what a second-price auction is; correct?

12 MR. BITTON: Objection to scope and form.

13 THE WITNESS: Can you elaborate, please?

14 BY MR. HILLEGAS:

15 Q. If AdX is an exchange that you were  
16 submitting bids to, and AdX ran a second-price  
17 auction, you previously said that you didn't have  
18 knowledge of what a second-price auction is;  
19 correct?

20 MR. BITTON: Objection to form and scope.

21 THE WITNESS: No. I did not say that.

22 BY MR. HILLEGAS:

23 Q. So when I asked you what a generalized  
24 second-price auction is, what is a generalized  
25 second-price auction?

1 MR. BITTON: Objection to scope.

2 THE WITNESS: This was a model built to  
3 improve click-through rate predictions for AdWords  
4 ads, buying on AdX traffic in this case.

5 BY MR. HILLEGAS:

6 Q. And so when you say it improves run time,  
7 you're referring to the run time to get something to  
8 AdX then; right?

9 MR. BITTON: Objection to scope and form.

10 THE WITNESS: No. This is referring to the  
11 run time off the pipeline itself to come up with  
12 those improved predictions.

13 MR. HILLEGAS: I have a feeling that that  
14 is a long question that we're going to have to get  
15 into. And since we've been going, I think, for now  
16 an hour and 15 minutes, why don't we take a little  
17 bit of a break and we'll come back to that later.

18 MR. BITTON: Okay.

19 THE WITNESS: Okay.

20 THE VIDEOGRAPHER: Going off the record at  
21 2:01 p.m.

22 (Recess taken.)

23 THE VIDEOGRAPHER: We're back on the record  
24 at 2:15 p.m.

25 ///

1 BY MR. HILLEGAS:

2 Q. Welcome back, Mr. [REDACTED] I hear that  
3 we're about halfway through our deposition; so  
4 that's exciting -- or terrifying, depending on how  
5 you feel.

6 We had briefly been discussing your  
7 consulting with the sell-side teams, if you recall.

8 A. Yes.

9 Q. Does Google formally organize employees  
10 between buy-side and sell-side organizations?

11 MR. BITTON: Objection to form and scope.

12 THE WITNESS: There is a buy-side and  
13 sell-side organization today leading up to two  
14 different VPs. Actually, three, if I factor in DV3.

15 BY MR. HILLEGAS:

16 Q. Are the two teams typically segregated?

17 MR. BITTON: Objection to scope and form.

18 THE WITNESS: Segregated in what way?

19 BY MR. HILLEGAS:

20 Q. Is there any sort of firewall between the  
21 buy-side and sell-side teams?

22 MR. BITTON: Objection to form and scope.

23 THE WITNESS: As I said, buy-side team  
24 optimizes on behalf of advertisers. Sell-side teams  
25 work with publishers. And we interact on occasion

1 to discuss potential impact to advertisers or  
2 publishers on launches.

3 BY MR. HILLEGAS:

4 Q. So there's no formal separation between the  
5 teams; is that correct?

6 MR. BITTON: Objection to form and scope.

7 THE WITNESS: How do you -- what kind of  
8 formal separation are you referring to?

9 BY MR. HILLEGAS:

10 Q. There's nothing in place at Google that  
11 would prevent buy-side teams from talking with  
12 sell-side teams; right?

13 MR. BITTON: Objection to scope.

14 THE WITNESS: Again, like I said, buy-side  
15 team and sell-side teams talk to each other if we  
16 want to discuss the impact of launches. My team has  
17 talked to third-party exchanges to discuss impact of  
18 launches.

19 That's how I would characterize the nature  
20 of our interaction, but we have our own optimization  
21 goals.

22 BY MR. HILLEGAS:

23 Q. Buy-side engineers talk with sell-side  
24 engineers as part of that; right?

25 MR. BITTON: Objection to scope and form.

1 THE WITNESS: I wouldn't say that is  
2 generally true. I think there are a few buy-side  
3 engineers who have these types of discussions with a  
4 few sell-side engineers on an as-needed basis.

5 BY MR. HILLEGAS:

6 Q. Such as yourself and Mr. [REDACTED]

7 MR. BITTON: Objection to form and scope.

8 THE WITNESS: Such as the conversations I  
9 have had with Mr. [REDACTED] on impact of potential  
10 launches on publishers or advertisers.

11 BY MR. HILLEGAS:

12 Q. Do any of the buy-side engineers help the  
13 sell-side engineers debug code?

14 MR. BITTON: Objection to scope and form.

15 THE WITNESS: I cannot answer that question  
16 at this point, sitting here today.

17 BY MR. HILLEGAS:

18 Q. It's possible, though?

19 MR. BITTON: Objection to form and scope.

20 THE WITNESS: I'm not sure if that's -- if  
21 that happens or not.

22 BY MR. HILLEGAS:

23 Q. Is it possible for sell-side engineers to  
24 help buy-side engineers debug code?

25 MR. BITTON: Objection to form and scope.

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I, JENNY L. GRIFFIN, hereby certify:

That I am a certified shorthand reporter in and for the County of Alameda, State of California;

Prior to being examined, [REDACTED] the witness named in the foregoing deposition, was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that said deposition was taken pursuant to notice at the time and place therein set forth, and was taken down by me in stenotype and thereafter transcribed by means of computer-aided transcription, and that said deposition is a true record of the testimony given by the witness.

I further certify that I am neither counsel for nor related in any way to any party to said action, nor otherwise interested in the outcome thereof.

In witness whereof, I have hereunto subscribed my name April 29, 2024.



JENNY L. GRIFFIN, CSR #3969

Certified Shorthand Reporter